

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MICHAEL S. HOSKINS,

Plaintiff,

v.

Case No. 19-C-1517

BRIAN FOSTER, et al.,

Defendants.

**ORDER GRANTING MOTION FOR AN EXTENSION OF TIME AND DENYING
MOTION TO COMPEL AND MOTION TO AMEND THE COMPLAINT**

On October 16, 2019, Plaintiff Michael Hoskins, proceeding pro se, filed a complaint alleging that the warden, a captain, and a correctional officer at Waupun Correctional Institution (WCI) placed him in 120 days of confinement with no access to windows, television, telephone, or recreation in retaliation for his discussion with a detective about the murder of a WCI inmate. Defendants have filed a motion for summary judgment based on their sworn declarations that Plaintiff was placed in segregation as punishment for several instances of lying. Although Defendants' motion was filed on September 22, 2020, the court has extended the time for Plaintiff to respond to November 22, 2020, more than 30 days past the normal response date. Now before the court are Plaintiff's motions for a further extension of time to respond (Dkt. No. 44), an order compelling the defendants to reproduce his legal documents (Dkt. No. 45), and a motion to amend the complaint (Dkt. No. 49). Plaintiff's motions to reproduce the docket and to amend the complaint will be denied; his motion for an extension will be granted.

Plaintiff's motion for an order compelling Defendants to reproduce his documents (Dkt. No. 45) is denied. There is no suggestion that Defendants had any involvement in the loss of

Plaintiff's legal documents. Of course, the court encourages counsel for Defendants to look into the matter and assist Plaintiff in recovering any documents that were misplaced. If in fact Plaintiff does not even have a copy of Defendants' motion for summary judgment and the supporting documents, counsel for Defendants should serve him with new copies. However, there is no basis for this court to enter an order directing Defendants to locate whatever documents Plaintiff claims have been lost, misplaced, or taken.

The motion for an extension of time to respond to Defendants' motion for summary judgment (Dkt. No. 44) is granted. Plaintiff will be granted thirty days from his receipt of the copies of Defendants' motion and supporting documentation. Counsel for Defendants shall notify the court when Plaintiff is served with the new copies. Given the history of the case, an affidavit of service should be filed. Absent good cause, no further extensions will be granted. It should not require much time or legal research for Plaintiff to respond to Defendants' allegations that his confinement in segregation was punishment for his lies, as opposed to retaliation for "whistleblowing." Plaintiff has personal knowledge of the events surrounding his confinement in segregation. There is no reason set forth in his documents that would suggest that he would be unable to respond to the fifteen brief proposed findings of fact upon which Defendants' motion is based. Dkt. No. 28. The court has already extended the time for Plaintiff to respond to November 22, 2020, and there is no reason for a further extension beyond the additional thirty days granted herein. Defendants have a right to have the serious allegations against them resolved. Of course, if Defendants discover that Plaintiff actually has copies of the motion and supporting documentation, they are free to seek reconsideration of this order and other appropriate relief.

Finally, Plaintiff's motion to amend the complaint to add new parties (Dkt. No. 49) is denied. Plaintiff offers no reason why the new parties could not have been included in the original

complaint, and it is too late to now add defendants and further delay the resolution of the case. Defendants have moved for summary judgment, and to add another defendant at this point would significantly add to the cost and time for defense. Accordingly, that motion is denied as well.

SO ORDERED at Green Bay, Wisconsin this 3rd day of November, 2020.

s/ William C. Griesbach

William C. Griesbach
United States District Judge